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Summary record of the 46th meeting
Held at Headquarters, New York, on Friday, 13 November 1998, at 3 p.m.

Chairman: Mr. Carranza (Vice-Chairman) ..... (Guatemala)

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In the absence of Mr. Hachani (Tunisia), Mr. Carranza (Guatemala), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

The meeting was suspended at 3.20 p.m. and resumed at 3.40 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.30 and L.31)

Draft resolution A/C.3/53/L.30: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

1. **Mr. Chomar** (Mozambique), introducing draft resolution A/C.3/53/L.30, said that his country, which was sponsoring the draft, had acquired considerable experience in dealing with the problems of refugees and displaced persons and had developed mechanisms for providing them with assistance. Accordingly, Mozambique could make a significant contribution to the work of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.31: Assistance to unaccompanied refugee minors

2. **Ms. Ibrahim** (Sudan) introduced draft resolution A/C.3/53/L.31 on behalf of the original sponsors and Côte d'Ivoire, Ethiopia, Guinea-Bissau, the Islamic Republic of Iran, the Niger, Nigeria and Turkey. The draft resolution drew attention to the plight of one of the world's most vulnerable groups, and set forth a number of measures to protect and assist them, calling upon the international community to assume its responsibility in that regard. Since the draft resolution was similar to those adopted in recent years, the sponsors hoped that it would be adopted by consensus once again.

Agenda item 110: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/53/L.21)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.33)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.34)

Draft resolution A/C.3/53/L.21: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

3. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.21, which contained no programme budget implications.

4. **Ms. Monroy** (Mexico) said that Egypt, Ethiopia and Yemen had joined the sponsors.

5. *Draft resolution A/C.3/53/L.21 was adopted.*

Draft resolution A/C.3/53/L.33: Human rights and unilateral coercive measures

6. **Mr. Mofokeng** (South Africa) introduced draft resolution A/C.3/53/L.33 on behalf of the sponsors and said that China should have been listed as an original sponsor. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.34: Situation of human rights in Iraq

7. **Ms. Rierderer** (Austria), introducing draft resolution A/C.3/53/L.34 on behalf of the States members of the European Union and the other sponsors, said that the findings contained in the report of the Special Rapporteur on the situation of human rights in Iraq (A/53/433) were cause for serious concern. The situation remained grave and showed no sign of improvement. The draft resolution called upon Iraq to abide by its international human rights obligations and to respect the rights of all individuals. The sponsors remained particularly concerned about the summary and arbitrary executions, enforced or involuntary disappearances, arbitrary arrests and detention and widespread use of the death penalty. The draft resolution called upon the Government of Iraq to take a number of steps to improve the human rights situation in that country and cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur. The European Union would work to continue to ensure more effective implementation of the oil-for-food programme and full Iraqi cooperation in preventing any unnecessary suffering. She hoped that the draft resolution would be given the broadest support.

Agenda item 106: Promotion and protection of the rights of children (*continued*) (A/C.3/53/L.14/Rev.1)

Draft resolution A/C.3/53/L.14/Rev.1: The rights of the child

8. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.14/Rev.1, which contained no programme budget implications.

9. **Ms. Smolcic** (Uruguay) said, on behalf of the sponsors, that the draft resolution had been revised in a number of places, and she proceeded to read out a number of minor drafting changes.

10. The sponsors of the draft resolution had been joined by Botswana, Bhutan, the Central African Republic, Eritrea, Georgia, Guinea, India, Kenya, Lesotho, Liberia, Mali, Poland, The former Yugoslav Republic of Macedonia and the United Republic of Tanzania.

11. **The Chairman** announced that Equatorial Guinea, Madagascar, Senegal and Sierra Leone had also joined the sponsors.

12. He said he took it that the Committee wished to adopt the revised draft resolution without a vote.

13. *It was so decided.*

14. **Mr. Londono** (United States of America), speaking in explanation of position, said that the United States had joined the consensus on the revised draft resolution because of the importance it attached to protecting and enhancing the rights of all children throughout the world. He wished, however, to address section IV, which concerned protection of children affected by armed conflict. As the Special Representative had noted in his report (A/53/482), it was essential to implement the many norms that already existed to prevent further abuse of children in conflict situations. His delegation endorsed that sentiment and believed that more emphasis should be given to meeting existing standards, even while efforts to raise those standards continued.

15. In that context, his delegation noted the efforts of the working group on a draft optional protocol related to the involvement of children in armed conflict to achieve a new standard. Until such a new standard was achieved, the phrase "the use of children as soldiers" must be interpreted in the context of general international law and under article 77 of Additional Protocol I of 1977 to the Geneva Conventions of 1949 and under article 38 of the Convention of the Rights of the Child.

16. It was unfortunate that the agreed text lacked full clarity on that point. Consensus had been possible by virtue of the fact that paragraph 9 of section IV established the overall context for that section of the draft resolution by reaffirming existing international standards contained in the 1949 Geneva Conventions and the 1977 additional protocols thereto.

17. Concerning reservations to international conventions, the United States continued to support the language used in the resolutions of the Commission on Human Rights of the past several years and in General Assembly resolution 52/107. The Vienna Convention on the Law of Treaties and the Convention on the Rights of the Child both allowed for reservations provided they were compatible with the object and purpose of the treaty concerned.

18. Paragraph 8 of section VI called for eliminating all forms of child labour that were contrary to accepted international standards, while paragraph 5 called for the elimination of all forms of exploitative child labour. Under international law, States had an obligation to eliminate exploitative forms of child labour; that did not cover all forms of child labour. Rather, the "child labour" of concern in the current context was generally employment that prevented effective school attendance and was often performed under conditions hazardous to the physical and mental health of the child.

19. With respect to the question of sanctions raised in paragraph 23 in section IV, the United States believed that sanctions were a valid foreign policy option when directed at Governments in an effort to urge compliance with international norms and standards. In that context, sanctions were often applied to urge the promotion of and respect for human rights. In countries where the abuse of human rights extended to the abuse of children, sanctions were in effect wielded on their behalf. They were not aimed at children. In fact, sanctions regimes generally permitted the provision of humanitarian assistance of which children were most often the beneficiaries.

20. The United States also noted that the language of paragraph 23 was not consistent with applicable international law. His delegation believed that the draft resolution should have used the language on sanctions agreed to at the December 1995 meeting of the International Committee of the Red Cross in Geneva.

21. **Ms. Ramirez** (Costa Rica) welcomed the adoption of the revised draft resolution. She wished, however, to remind States parties to the Convention of the amendment to the Convention sponsored by Costa Rica. She appealed to those States which had not yet responded to the Secretary-General's request to do so positively. That response was also indispensable in order to give effect to the changes called for in paragraph 12 of the draft resolution.

22. **Mr. Ma Young-an** (Republic of Korea) said his delegation believed that the draft resolution would serve as a comprehensive framework for the rights of children. It had been unable, however, to support paragraph 19 of section IV, concerning anti-personnel mines. Without that clause, the Republic of Korea would have joined the sponsors.

23. **Ms. Pang** (Singapore) said that her delegation had reservations concerning paragraph 11 of section I, in view of the fact that the Vienna Convention on the Law of Treaties drew a distinction between reservations compatible with and those not compatible with the object and purpose of the treaty in question. It had therefore been unable to support that paragraph.

24. **Ms. De Armas** (Cuba) welcomed the support given to the draft resolution and thanked the representative of Uruguay for her efforts in its behalf.

25. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/53/281).

26. *It was so decided.*

Agenda item 108: Elimination of racism and racial discrimination (*continued*)

Draft resolution A/C.3/53/L.24: Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

27. **Ms. Newell** (Secretary of the Committee) said that the requests made in paragraphs 21 and 22 of the draft resolution were at variance with the established procedures for administrative and budgetary matters. She drew attention to General Assembly resolution 45/248, part B, section VI, which reaffirmed the role of the Fifth Committee as well as the role of the Advisory Committee on Administrative and Budgetary Questions, expressed the General Assembly's concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters, and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for such matters.

28. She pointed out also that the question of the allocation of resources must be considered in the context of the Secretary-General's report on the proposed budget outline for the biennium 2000–2001 (A/53/220) and that the Fifth Committee would shortly adopt recommendations with regard to the proposed budget outlined there.

29. **The Chairman** said that, in addition to the sponsors listed, Finland, France, Italy, Japan, Portugal, Malta, Spain and the United Kingdom had been announced as sponsors.

30. **Ms. Newell** (Secretary of the Committee) pointed out that the draft resolution had been orally revised by the representative of Indonesia on behalf of the sponsors so that the beginning of paragraph 8 now read: "*Urges* States to limit the extent of any reservation they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and narrowly as possible ...".

31. Paragraph 14 had also been orally revised so that the clause following the word "recommendations" had been replaced by the words "for responsible use of the Internet".

32. **Mr. Fachir** (Indonesia) added that Australia, Austria, Canada, Germany, Greece and Ireland had joined the list of sponsors of the draft resolution. He reminded the Committee that the members of the Group of 77 were also sponsors.

33. **The Chairman** said that Croatia, Israel and The former Yugoslav Republic of Macedonia had also joined the sponsors.

34. He said he took it that the Committee wished to adopt the draft resolution as orally revised without a vote.

35. *It was so decided.*

36. **Ms. Clifford** (United States of America), speaking in explanation of position, said that the United States had joined the consensus on draft resolution A/C.3/53/L.24 but continued to support the language used in the resolutions of the Commission on Human Rights in the past several years and also in the Vienna Declaration and Programme of Action, both of which allowed for reservations to treaties provided they were compatible with the object and purpose of the relevant treaty.

Draft resolution A/C.3/53/L.25: Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

37. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.25, which contained no programme budget implications.

38. **Mr. Fachir** (Indonesia), speaking on behalf of the sponsors, said that the word "also" had been inserted before the word "contribute" in the seventh preambular paragraph. The sponsors had been joined by Austria, Denmark, Ireland and the Netherlands.

39. **The Chairman** said that Croatia, Israel, San Marino and The former Yugoslav Republic of Macedonia also wished to sponsor the draft resolution.

40. *Draft resolution A/C.3/53/L.25, as orally revised, was adopted.*

The meeting rose at 4.50 p.m.